

RACHEL KREVANS (CA SBN 116421)  
RKrevans@mofo.com  
WESLEY E. OVERSON (CA SBN 154737)  
WOverson@mofo.com  
MATTHEW A. CHIVVIS (CA SBN 251325)  
MChivvis@mofo.com  
JACOB P. EWERDT (CA SBN 313732)  
JEwerdt@mofo.com  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: 415.268.7000  
Facsimile: 415.268.7522

DAVID D. SCANNELL (*pro hac vice*)  
DScannell@mofo.com  
MORRISON & FOERSTER LLP  
2000 Pennsylvania Ave., NW  
Washington, DC 20006  
Telephone: 202.887.1500  
Facsimile: 202.887.0763

Attorneys for Plaintiff and Crossclaim Defendant  
THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA, a corporation,

Plaintiff,

v.

CALIFORNIA BERRY CULTIVARS, LLC,  
DOUGLAS SHAW, AND KIRK LARSON

Defendants.

CALIFORNIA BERRY CULTIVARS, LLC

Cross-Complainant,

v.

THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA, a corporation,

Crossclaim Defendants.

Case No. 3:16-cv-02477-VC

**DECLARATION OF MATTHEW  
CHIVVIS IN SUPPORT OF THE  
UNIVERSITY'S TRIAL BRIEF**

Final Pretrial  
Conference Date: May 8, 2017  
Time: 2:30 p.m.  
Ctmm: 4 - 17th floor  
Judge: Hon. Vince Chhabria

1 I, Matthew A. Chivvis, do hereby declare as follows:

2 1. I am a partner with the law firm of Morrison & Foerster LLP and an attorney of  
3 record for Movant The Regents of the University of California (the “University”) in the above-  
4 captioned matter. I am admitted to practice law in the State of California and before this Court. I  
5 submit this declaration in support of The Regents of the University of California’s Trial Brief. I  
6 have personal knowledge of the facts stated in this declaration, and I could and would  
7 competently testify to them if called as a witness.

8 2. Attached as **Exhibit 1** is a true and correct copy of the transcript of the  
9 December 8, 2016, deposition of Douglas V. Shaw.

10 3. Attached as **Exhibit 2** is a true and correct copy of excerpts of the transcript of the  
11 December 20, 2016, deposition of Michael Carriere.

12 4. Attached as **Exhibit 3** is a true and correct copy of a letter from Linda P.B. Katehi  
13 to Steven Knapp, dated April 14, 2015, produced in this litigation with Bates number  
14 UC\_STRAW2\_000095934.

15 5. Attached as **Exhibit 4** is a true and correct copy of United States Plant Patent No.  
16 27,830 entitled “Strawberry Plant called ‘Cabrillo’.”

17 6. Attached as **Exhibit 5** is a true and correct copy of an email from Steven Knapp to  
18 Douglas Shaw, dated November 17, 2015, produced in this litigation with Bates numbers  
19 UC\_STRAW2\_00070370 to UC\_STRAW2\_00070373.

20 7. **Exhibit 6** is reserved and is not currently cited in the University’s trial brief.

21 8. Attached as **Exhibit 7** is a true and correct copy of excerpts of the transcript of the  
22 December 16, 2016, deposition of Steven Knapp.

23 9. Attached as **Exhibit 8** is a true and correct copy of excerpts of the transcript of the  
24 March 7, 2017, deposition of Jose Pellicer.

25 10. Attached as **Exhibit 9** is a true and correct copy of excerpts of the transcript of the  
26 December 14, 2016, deposition of Arthur Gen Kawamura.

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1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed on May 1, 2017, in San Francisco, CA.

3  
4 /s/ Matthew A. Chivvis

5 MATTHEW A. CHIVVIS  
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